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ABSTRACT

This report was prepared in response to a request from the 70th Texas Legislature that the Texas Education Agency implement a voluntary missing child prevention and identication pilot program on school campuses. The report consists of four brief sections. "Historical Introduction" reviews legislative actions taken by the Texas Legislature to address the prevention and identification of missing children. "Implementation Plans and Strategies" describes the implementation of the voluntary missing child prevention and identification pilot program in the Manor, Pflugerville, and Round Rock Independent School Districts. "Verification of Implementation" discusses documentation of the pilot program and evaluation procedures to be used. Finally, three recommendations that could make the program more effectiive are proposed. These recommendations include: (1) appropriate use of existing student data files at the Texas Education Agency, with discretionary accessibility of student data determined by State Board of Education rule; (2) appropriate distribution of posters by the Department of Public Safety to school campuses monthly, with pictures, names, and dates of birth of school-age missing children; and (3) voluntary fingerprinting and photographing by school districts of each student entering first grade in Texas public schools. (NB)

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# THE STATUS OF THE MISSING CHILD PREVENTION AND IDENTIFICATION PROGRAM IN THE PUBLIC SCHOOLS

## FROM THE STATE BOARD OF EDUCATION

TEXAS EDUCATION AGENCY
AUSTIN, TEXAS

CG 021612

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JANUARY 1989

# The Status of the Missing Child Prevention And Identification Program In the Public Schools

## As Reported By the State Board of Education

## Submitted to the Governor, Lieutenant Governor, And the Seventy-First Texas Legislature

**1987-1988**

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**Texas Education Agency**
**1701 North Congress Avenue**
**Austin, Texas 78701**

January 1989

To the Honorable Governor of Texas, Lieutenant Governor, and Seventy-First Legislature:

House Bill 538 of the 70th Legislature required the Texas Education Agency to implement a voluntary missing child prevention and identification pilot program on school campuses selected on the basis of their student enrollment. Manor, Pflugerville, and Round Rock Independent School Districts were selected to participate in the pilot program which will continue throughout the 1988-1989 school year.

In addition, the Agency was requested to report its findings and to make recommendations concerning the program. In response to HB 538, the following recommendations are submitted:

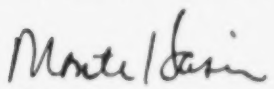
- appropriate utilization of existing student data files at the Texas Education Agency in attempting to locate missing school-age children

- appropriate distribution of posters by the Department of Public Safety to school campuses monthly, with pictures, names, and dates of birth of school-age missing children listed with the DPS Missing Children/Missing Persons Clearinghouse

- voluntary fingerprinting and photographing by the school districts of each student entering Grade 1 in Texas public schools and retention of the fingerprint card and photograph in the permanent record file of each student until he or she withdraws from the school or graduates

The Agency's missing child prevention and identification pilot program will continue beyond the preparation of this report.

Respectfully submitted,



Monte Hasie, Chairman
State Board of Education

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# Historical Introduction

Every year approximately two million persons across the nation disappear, and a large percentage of the missing are children. Some children run away from home, but some are abducted either by strangers or by persons known to them. Fortunately, approximately 85 percent of the almost two million children reported missing in the United States return home safely; however, between 5,000 and 8,000 persons are found dead every year. Because they cannot be identified, they are buried unknown. In an attempt to alleviate the trauma and prevent the tragedy surrounding a missing child, the Texas Legislature has enacted a series of laws to address the prevention and identification of missing children.

## Legislative Actions

House Bill 248 of the 69th Legislature, Regular Session, 1985, amended Chapter 74, Human Resources Code, to include legislation addressing missing children and missing persons. The bill mandated the Texas Department of Public Safety (DPS) to coordinate services and to develop a clearinghouse for information concerning missing persons. The mandate directed the DPS to establish files on missing persons, communicate with the National Crime Information Center for exchange of information, and establish a toll-free telephone line for reporting purposes. Additionally, the DPS was charged with the distribution of information on ways to prevent child abduction and with the printing of posters, flyers, bulletins, and other forms of information. The legislation further stipulated that the clearinghouse established by the DPS provide information to the Texas Education Agency and/or school districts. Acting as liaison, the Agency encouraged school districts to cooperate with the DPS in this endeavor.

Enactment of House Bill 113 by the 70th Legislature in 1987 made the abduction of a child a felony offense, whether the child is taken out of the state or remains in the state. Human Resources Code, Section 74, states that a child is considered missing immediately; no waiting period is required. Section 79.008 requires an immediate investigation of a missing child report if the well-being of the child is considered in danger.

Through enactment of House Bill 538, the 70th Legislature also amended Section 51.14(c), Family Code, to permit the transfer of missing child information and records to the Texas Crime Information Center and the National Crime Information Center and dissemination of information and records by the Centers. Section 51.15(c) was amended to permit the fingerprints and photograph of a missing child to be indexed into the files of the DPS and the Federal Bureau of Investigation to aid in the location and identification of the child.

The addition of Subchapter U to Chapter 21, Texas Education Code, addresses missing child prevention and identification programs in schools. Section 21.772 permits schools, public and private, to participate in missing child prevention and identification programs, including the fingerprinting and photographing of students as provided by Subchapter U.

In accordance with Section 21.773, participation of a public school district or a private school in a missing child prevention and identification program is voluntary and not required. Section 21.774 requires written consent of the parent or legal custodian before a child may be fingerprinted. Section 21.775 addresses the school's retention of a current photograph of each child whose parent or legal guardian has consented.

The use of fingerprints and photographs obtained in a missing child prevention and identification program is restricted to that purpose only and shall not be used as evidence against a child.

A review of HB 538 indicated three actions for the Texas Education Agency:

- that if private funding is available to finance a missing child prevention and identification program, the Agency shall select at least three school districts according to the specified number of students in average daily attendance to participate voluntarily in a pilot program
- that the State Board of Education shall adopt rules relating to the destruction of fingerprints and photographs made or kept by schools under Subchapter U, Section 21.774 and Section 21.775
- that, no later than January 31, 1989, the Agency shall submit a report to the 71st Legislature that includes an evaluation of the program effectiveness and a recommendation concerning implementation and content of voluntary missing child prevention and identification programs in school districts

### Agency Response

To facilitate compliance with HB 538 directives, Agency staff held in-house meetings in October, November, and December 1987. The purpose of the meetings was to develop procedures needed for school districts to provide missing child identification and prevention programs at their discretion. The new 19 TAC 61.92 adopted by the State Board of Education in March 1988 concerning the disposition of fingerprints and photographs taken as a part of such a program was a major outcome of the meetings. The new rule states that school districts may participate in missing child prevention and identification programs in accordance with the Texas Education Code, Chapter 21, Subchapter U; that a photograph taken of a student in this program may be retained by the participating school until the photograph is replaced by a subsequently made photograph or until the expiration of three years, whichever is the earlier; and that when a student withdraws from a school district, all photographs and fingerprints taken as a part of the program shall be returned to the parent or guardian. If the district is unable to return the fingerprints or photographs to the parent or guardian, the photograph and fingerprints shall be destroyed by the school district.

In addition, three school districts were selected by the Agency on the basis of enrollment to participate in the missing child prevention and identification pilot programs. Agency staff met with Representative Bob Richardson and Deanna Tidwell, supervisor of the Missing Children/Missing Persons Clearinghouse at the Department of Public Safety, and other interested persons to discuss plans for implementation of the program and the pilot project.

## Implementation Plans and Strategies

Subsequent to the meeting with Representative Richardson, the implementation of missing child prevention and identification pilot programs began on a voluntary basis in three school districts: Round Rock, Pflugerville, Manor. Designated contact persons from each district met with Agency staff to discuss procedures concerning publicity and public information, training for community volunteers, establishment of a timeline, documentation, and evaluation of the pilot program.

Participants agreed on October 1988 as the most appropriate time to implement the program. School pictures usually are made in October, and districts could combine fingerprinting and photographing into a single activity. The Pepsi Cola Bottling Company contributed 5,000 Protecta-Kid Kits for fingerprinting students, and local law enforcement agencies provided assistance and training for volunteers who helped with fingerprinting.

Publicity and public information vital to the program's success were provided through the media, letters to parents and students, school campus organizations, parent teacher organizations, meetings for parents, and inservice for school personnel. Information disseminated included the rationale for the program, benefits anticipated, procedures, and instructional activities for students. Community support for the program was encouraged.

# Verification of Implementation

## Documentation

The Agency requested documentation of all phases of the pilot program in each of the participating districts, but documentation will not be complete until the close of the 1988-1989 school year. The identification process is continuing beyond October 1988 with new enrollees. Prevention strategies are included in the existing curriculum and transmitted through instruction in specific essential elements concerning personal safety.

Instructional goals for prekindergarten through Grade 12 are designed to enable students to identify unsafe situations and to be aware of appropriate reactions to unsafe situations. Topics for instruction at appropriate levels include:

- use of directory information
- ways to summon help
- problem-solving/decision-making models
- missing child legislation and legislation terminology
- student rights and responsibilities within the law
- the juvenile justice process

## Evaluation

Data collected from each participating district will provide the basis for evaluation of the pilot programs. In addition to written reports, district contact persons and Agency staff will discuss pertinent factors such as:

- reactions of the various student age groups to the fingerprinting and photographing components of the program

- parents' response and support at the different grade levels
- response of school personnel to the program
- effectiveness of the instructional component
- level of community support
- suggested modifications

The data will be compiled into a final report in June 1989, and suggestions related to program effectiveness will be made at that time.

## Recommendations

The Texas Education Agency receives numerous requests from parents, law enforcement officials, and missing persons organizations across the nation for assistance in locating children missing from Texas and school-age children from other states who are believed to be in Texas. The requests are forwarded to the Missing Children/Missing Persons Clearinghouse at the Department of Public Safety. Through the appropriate use of the Public Education Information Management System currently being implemented at the Agency, these data could be available in the future.

Expansion of the missing child prevention and identification program in the public schools could be accomplished through additional funding. At present, no funds are available for the program through the Agency, and Department of Public Safety funds are insufficient for expanded services. Therefore, the following staff recommendations are submitted for consideration by the 71st Legislature to make the program more effective:

- appropriate utilization of existing student data files at the Texas Education Agency. Discretionary accessibility of the student data will be determined by State Board of Education rule.
- appropriate distribution of posters by the Department of Public Safety to school campuses monthly, with pictures, names, and dates of birth of school-age missing children listed with the DPS Missing Children/Missing Persons Clearinghouse
- voluntary fingerprinting and photographing by the school districts of each student entering Grade 1 in Texas public schools and retention of the fingerprint card and photograph in the permanent record file of each student until he or she withdraws from the school or graduates, whichever comes first

## COMPLIANCE STATEMENT

### TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a non-segregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

### TITLE VII, CIVIL RIGHTS ACT OF 1964; EXECUTIVE ORDERS 11246 AND 11375; TITLE IX, 1973 EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; AND VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED IN 1974.

It is the policy of the Texas Education Agency to comply fully with the nondiscrimination provisions of all federal and state laws and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any programs or activities which it operates on the grounds of race, religion, color, national origin, sex, handicap, age, or veteran status (except where age, sex, or handicap constitute a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency makes positive efforts to employ and advance in employment all protected groups.

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